

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Development of Nationwide Broadband Data)	WC Docket No. 07-38
to Evaluate Reasonable and Timely)	
Deployment of Advanced Services to All)	
Americans, Improvement of Wireless)	
Broadband Subscribership Data, and)	
Development of Data on Interconnected Voice)	
over Internet Protocol (VoIP) Subscribership)	

**COMMENTS OF
THE NEBRASKA RURAL INDEPENDENT COMPANIES**

I. Introduction

The Nebraska Rural Independent Companies (“Nebraska Companies”)¹ hereby submit comments in the above captioned proceeding. The Nebraska Companies appreciate the opportunity to comment in response to the Commission’s Notice of Proposed Rulemaking (“Notice”) in the above docket released on April 16, 2007 (FCC 07-17). In the Notice, the Commission seeks comment about how it can continue to acquire the information it needs to develop and maintain appropriate broadband policies.

The Commission asks specific questions about the availability and capabilities of broadband-related services including those using wireless technology. With respect to the reporting for terrestrial mobile wireless providers, the Commission finds that from the

¹ Companies submitting these collective comments include: Arlington Telephone Company, The Blair Telephone Company, Cambridge Telephone Company, Clarks Telecommunications Co., Consolidated Telco, Inc., Consolidated Telecom, Inc., Consolidated Telephone Company, The Curtis Telephone Company, Eastern Nebraska Telephone Company, Great Plains Communications, Inc., Hartington Telecommunications Co., Inc., Hershey Cooperative Telephone Co., K. & M. Telephone Company, Inc.,

data collected based on Form 477 instructions, it is currently unable to determine the number of subscribers who regularly use a broadband Internet access service as part of their mobile service package because those instructions are to report based on “mobile device[s]” that are *capable* of sending or receiving data at speeds in excess of 200 kbps.² The Nebraska Companies will focus on the Commission’s questions associated with Form 477 instructions that apply to terrestrial mobile wireless providers. In particular, the Nebraska Companies believe the Commission must collect specific data so that it has an accurate assessment of broadband wireless use and availability, as there appears to be a lack of clarity on these factors, particularly in rural areas.

II. The Commission Should Modify the Reporting Instructions Applicable to Terrestrial Mobile Wireless Providers so as to Enable the Collection of Data on the Number of Mobile Broadband Internet Access Service Subscribers and Eliminate the Collection of Data on Broadband-Capable Mobile Devices.

The Commission indicates with regard to the Form 477 instructions that it believes “. . . the current instructions make it likely that more and more *mobile voice service subscribers will be reported as mobile broadband subscribers* merely by virtue of purchasing a broadband-capable handset, rather than a specific Internet plan.”³ The Nebraska Companies concur with this statement. Using reporting of broadband-capable mobile devices is not a meaningful way to determine the level of deployment or need of or subscription to wireless broadband services. This would be tantamount to collecting information about the number of high-speed network interface cards in desktop computers as a proxy for the number of wireline broadband Internet access subscriptions.

The Nebraska Central Telephone Company, Northeast Nebraska Telephone Company, Rock County Telephone Company, Stanton Telecom, Inc. and Three River Telco.

² See Notice at para. 12.

High-speed network interface cards typically are installed in standard desktop configurations irrespective of whether the particular consumer wants or needs access to the Internet. Further, continuing this practice avails CMRS carriers the opportunity to overstate their true broadband deployment and capabilities and to potentially drive improper conclusions that are critical to policy decisions.⁴ The Nebraska Companies recommend that the Commission revise Form 477 instructions such that *only recurring subscriptions to broadband mobile wireless Internet services that utilize a transmission channel of 200 kbps or greater should qualify to be counted*. This approach will put the reporting of wireline and wireless subscriptions on equal footing and provide meaningful information for policy making in the future.

III. The Commission Should Consider Universal Service Policy Implications as It Refines Form 477 Reporting Instructions for Mobile Wireless Providers.

The Commission seeks comment as to whether it should modify its instructions directing mobile wireless broadband providers to include in their subscriber counts those end users “whose billing addresses are within the areas of terrestrial mobile broadband availability. . . .”⁵ The Commission also seeks comment on whether the instructions should improve the reliability of the reporting of residential subscriptions by instructing providers to report all subscriptions not billed to corporate accounts, to a non-corporate business customer account, or to a government institutional account.⁶ The Nebraska

³ Ibid. (emphasis added).

⁴ See *High-Cost Universal Service Support*, WC Docket No. 05-337, and *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Comments of CTIA – The Wireless Association (filed June 6, 2007) at p. 7, and Comments of Dobson Cellular Systems, Inc. on Cap Proposal (filed June 6, 2007) at p. 5.

⁵ See *Notice* at para.15.

⁶ See *Notice* at para. 16.

Companies also note that the Federal-State Joint Board on Universal Service (“Joint Board”) has solicited comment as to whether the Commission should consider adding broadband to the list of supported services and whether there are statutory impediments to doing so.⁷ Given the possibility that some form of broadband access to the Internet may be considered as a supported service, the Commission must determine if such a service meets the statutory requirement of subscription by a substantial majority of residential customers and is being deployed in public telecommunications networks.⁸ In order to fulfill the statutory requirement when considering the Joint Board’s question, the Commission should collect information relative to whether wireless broadband services are actually available where people live and work, and to accomplish this it must have precise information as to whether the wireless broadband service is being provided to residential customers. Therefore, the Nebraska Companies recommend that the Commission instruct mobile wireless broadband providers to: (1) include the billing address for each wireless subscription; (2) ensure that the broadband wireless service is available at each billing address before that subscription can be included in the count; and (3) limit the reporting of broadband residential service to such service provided at the billing address of a household. These measures, if specifically followed by providers, will supply the necessary information to determine if statutory requirements are being fulfilled without potential gaming or inaccuracy.

⁷ See Public Notice, *Federal-State Joint Board on Universal Service Seeks Comment on Long-Term, Comprehensive High Cost Universal Service Reform*, WC Docket No. 05-337, CC Docket No. 96-45, FCC 07J-2 (rel. May, 1 2007) at para.8.

⁸ 47 U.S.C § 254 (c)(1).

IV. Conclusion

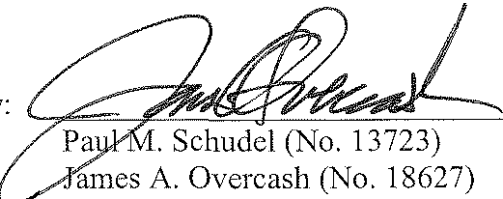
The Nebraska Companies recommend that three modifications be made to the instructions on Form 477 with respect to the reporting by terrestrial mobile wireless providers. First, the Commission should instruct that only recurring subscriptions to broadband mobile wireless Internet services that utilize a transmission channel of 200 kbps or greater should qualify to be counted. Second, the Commission should instruct mobile wireless broadband providers to include the billing addresses of wireless subscriptions and to require that broadband wireless service is actually available at those billing addresses before these subscriptions can be included. Third, the Commission should modify instructions to limit the reporting of mobile wireless broadband residential service to service provided at the billing address of a household. With these changes, the Commission can better access the actual deployment and capabilities of terrestrial mobile wireless providers in provisioning broadband Internet access, and in the process gather meaningful data to make judgments about universal service support funding of broadband.

Dated: June 15, 2007.

THE NEBRASKA RURAL INDEPENDENT
COMPANIES

Arlington Telephone Company,
The Blair Telephone Company,
Cambridge Telephone Company,
Clarks Telecommunications Co.,
Consolidated Telco, Inc.,
Consolidated Telcom, Inc.,
Consolidated Telephone Company,
The Curtis Telephone Company,
Eastern Nebraska Telephone Company,
Great Plains Communications, Inc.,
Hartington Telecommunications Co., Inc.,
Hershey Cooperative Telephone Co.,
K. & M. Telephone Company, Inc.,
The Nebraska Central Telephone Company,
Northeast Nebraska Telephone Company,
Rock County Telephone Company,
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